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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/759,623	01/16/2004	Daniel John Gardner	1024.7	1225
53953 7590 02/01/2007 DAVIS LAW GROUP, P.C. 6836 BEE CAVES ROAD SUITE 220 AUSTIN, TX 78746			EXAMINER BELL, CORY C	
			ART UNIT 2164	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE			MAIL DATE	DELIVERY MODE
3 MONTHS			02/01/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	Application No. 10/759,623	Applicant(s) GARDNER ET AL.	
	Examiner Cory C. Bell	Art Unit 2164	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 19 January 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

  
**SAM RIMELL**  
**PRIMARY EXAMINER**

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Claims 1-22 have been examined.
2. Claim 11 is dependant upon itself, it will be assumed for the remainder of this office action that claim 11 was intended to depend from claim 10. Appropriate correction is required.
3. This action is final.

### ***Drawings***

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 204, 206, 208, and 200. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.
5. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 212, 232, and 242. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the

immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### *Specification*

6. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

### *Claim Rejections - 35 USC § 112*

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 1-9, and 11-22 are rejected under 35 USC 112 second paragraph.

8.1. *As per Claim 1*, the claim states "on a file", but it is believed applicant intended "for a file."

8.2. *As per Claim 2*, the claim must end in a period.

8.3. *As per Claim 4*, as there are two different digital signatures it is unclear which "the digital signature" is in reference too.

8.4. *As per Claim 8*, the claim states "on the file", but it is believed applicant intended "of the file."

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8.5. *As per Claim 11*, it depends upon itself, and recites the limitation of “at least on link for content associated with the location” twice.

8.6. *As per Claims 14-22*, they contain errors similar to those in Claims 1-8.

***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

10. Claims 1-4, 6-17, and 19-22 are rejected under 35 U.S.C. 102(e) as being anticipated by US 6928526, known hereafter as Zhu.

10.1. *As per Claim 1*,

Obtaining content and associated meta data and storing it is taught in col 4 lines 14-16.

10.2. *As per claim 2*,

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10.2.1. Col 3 lines 25-35, teaches using a hash of the content to create a segment ID which is stored with the content, thus making the table a hash table using the broadest reasonable definition,

10.2.2. Col 4 lines 25-26 teaches meta data being stored in a metadata hash table.

10.3. *As per Claim 3,*

generating a digital signature from the content; (Col 3 lines 25-31)

generating a digital signature from the metadata; (Col 5 lines 23-25)

storing the content in an entry in the content hash table

wherein the content's digital signature is an index into the

content hash table(Figure 3 Segment ID is an index)

storing the metadata in an entry in the metadata hash

table wherein the metadata's digital signature is an index

into the metadata hash table.(Col 5 lines 23-28)

10.4. *As per Claim 4, See Claim 3 and the corresponding sections referenced.*

10.5. *As per Claims 6 and 7, Both the disclosed tables(see claim 2 rejection) include the segment ID (See figure 3 and Col 5 lines 21-23)which using the broadest reasonable interpretation in a link between the two tables.*

10.6. *As per Claim 8,*

8. The method of claim 7, further comprising:

obtaining a location on the file;

storing the location, wherein the location is associated

with the content or metadata. (Col 4 lines 23-26)

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10.7. *As per Claim 9,*

The portion of the metadata hash table that comprises the attributes to facilitate the features in col 4 lines 23-26 is the location hash table.

10.8. *As per Claim 10,*

Col 3 lines 25-35, teaches using a hash of the content to create a segment ID which is stored with the content, thus making the table a hash table using the broadest reasonable definition, and Col 4 lines 25-26 teaches meta data being stored in a metadata hash table. These tables include the segment ID (See figure 3 and Col 5 lines 21-23) which using the broadest reasonable interpretation in a link between the two tables. The database that provides this system inherently has instructions that enable it to provide them.

10.9. *As per Claim 11,*

As the location hash table is included in the metadata hash table there is inherently a link between the two, and the location hash table must include the storage location in order to look it up and must comprise a link between the content and the location in this case the link being the segment ID as discussed previously.

10.10. *As per Claim 12,*

The content table contains the segment id, which is a link for a location associated with the content. See figure 3.

10.11. *As per Claim 13,*

There is inherently a link between the metadata and a location associated with the metadata as the location hash table is part of the metadata hash table.

10.12. *As per Claim 14,*

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See Claim 1 Rejection.

10.13. *As per Claim 15,*

See Claim 2 rejection.

10.14. *As per Claim 16,*

See Claim 3 rejection.

10.15. *As per Claim 17,*

See Claim 4 rejection.

10.16. *As per Claim 19,*

See Claim 6 rejection.

10.17. *As per Claim 20,*

See Claim 7 rejection.

10.18. *As per Claim 21,*

See Claim 8 rejection.

10.19. *As per Claim 22,*

See Claim 9 rejection.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 5 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zhu in light of Official Notice.



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11.1. *As per Claims 5 and 18,*

Zhu teaches using a hashing algorithm as discussed above, namely MD5; however, Zhu fails to expressly disclose using SHA1. The examiner takes official notice that SHA1 was well known in the art as it is a standard. Thus, it would have been obvious to one of ordinary skill in the art to use SHA1 as it is an industry standard and would be well known and easy to implement.

*Conclusion*

All claims are drawn to the same invention claimed in the application prior to the entry of the submission under 37 CFR 1.114 and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the application prior to entry under 37 CFR 1.114. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action after the filing of a request for continued examination and the submission under 37 CFR 1.114. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cory C. Bell whose telephone number is (571) 272 2736. The examiner can normally be reached on m-f 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on (571) 272 4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
SAM RIMELL  
PRIMARY EXAMINER